

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Willie Johnson, Jr.,)
)
Petitioner,) Case No. 1:04-CR-25
)
vs.)
)
United States of America,)
)
)
Respondent.)

O R D E R

In December 2004, the Court sentenced Petitioner Willie Johnson, Jr. to a term of 180 months of imprisonment following his conviction for being a felon in possession of ammunition in violation of 18 U.S.C. § 922(g)(1). At the time of sentencing, the Court determined that Petitioner had three prior convictions for “violent felonies” and, therefore, that he was subject to a 15-year mandatory minimum sentence pursuant to the Armed Career Criminal Act, 18 U.S.C. § 924(e)(1).

Petitioner has now filed a motion to vacate, set aside or correct sentence (Doc. No. 63) arguing that his sentence under the ACCA is now illegal in light of the U.S. Supreme Court’s decision in Johnson v. United States, 135 S. Ct. 2551 (2015), which invalidated the residual clause of § 924(e)(2)(B)(ii). In response, the government concedes that at least one of Petitioner’s prior convictions no longer qualifies as a violent felony and that consequently he is entitled to relief from his sentence.

IT IS THEREFORE ORDERED THAT:

1. Petitioner’s motion to vacate, set aside or correct sentence (Doc. No. 63) is well-taken

and is **GRANTED**.

2. A separate judgment and commitment order will be filed reflecting the amended sentence.

Date July 26, 2016

s/Sandra S. Beckwith

Sandra S. Beckwith

Senior United States District Judge